

RECEIVED

MAR 10 2003

Department of Water Resources

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

March 7, 2003

Attention Water Right Claimant,

Enclosed is an ***Amended Partial Decree*** which amends and supercedes the partial decree previously issued for your water right to contain the following provision:

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in event of injury.

The provision was recommended in the *Special Master's Report and Recommendation* to be included in the ***Partial Decree*** for your water right, but was inadvertently omitted due to a clerical error.

Should you have any questions regarding this matter, please contact the Clerk of the Court for the SRBA at (208) 736-3011.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diana Delaney", is written over a circular stamp. The signature is fluid and cursive. The stamp is partially visible behind the signature.

Diana Delaney

DD:sb
Enc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-02952A

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCHER CREEK RD
PAYETTE, ID 83661

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 783.82 AFY

PRIORITY DATE: 06/02/1962

POINT OF DIVERSION: T17N R03E S03 NESENE (Rediversion) Within Valley County
T18N R03E S13 NWSW (Rediversion)
R04E S09 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	783.82 AFY
	Irrigation from Storage	05-01 TO 09-15	783.82 AFY

PLACE OF USE:	Irrigation from Storage	Within Valley County
T17N R03E S16	NESW 36.0	SESW 24.0
	NWSE 36.0	SWSE 39.0
	SESE 39.0	
S20	NENE 36.0	NWNE 29.0
	SWNE 32.0	SENE 34.0
	NENW 35.0	NWNW 38.0
	SWNW 39.0	SENW 25.0
	NESW 15.0	NWSW 39.0
	SWSW 38.0	SESW 15.0
	NESE 39.0	NWSE 28.0
	SWSE 29.0	SESE 36.0
S21	NENE 25.0	NWNE 38.0
	SWNE 37.0	SENE 31.0
	NENW 34.0	NWNW 36.0
	SWNW 27.0	SENW 37.0
	NESW 38.0	NWSW 34.0
	SWSW 30.0	SESW 31.0
	NESE 15.0	NWSE 35.0
	SWSE 20.0	SESE 15.0
S28	NWNE 10.0	NENW 32.0
	NWNW 36.0	SWNW 39.0
	SENW 20.0	
S29	NENE 39.0	NWNE 36.0
	SWNE 33.0	SENE 39.0
	NESE 39.0	NWSE 30.0
	SWSE 14.0	SESE 14.0
T18N R03E S21	SESW 35.0	
S28	NWNE 40.0	NENW 35.0
	NWNW 17.0	SWNW 37.0
	NESW 39.0	NWSE 26.0
	1774.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

BASIN 65 GENERAL PROVISIONS NO 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A

OTHER PROVISIONS (continued)

SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO CODE SEC 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE EVENT OF INJURY.

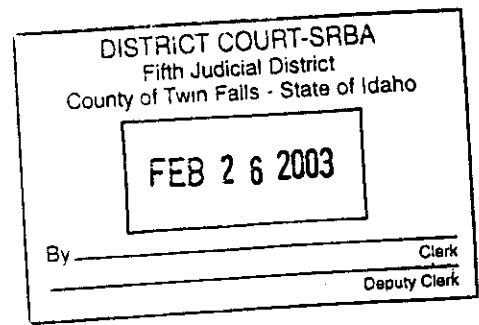
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

ORDER OF PARTIAL DECREE

For Water Rights 65-03209, 65-03215,
65-03216, 65-02952A and 65-02932A

On 11-04-2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 65-03209, 65-03215, 65-03216, 65-2952A and 65-02932A are hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 26, 2003.

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03209

FEB 26 2003

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: HARRY L BETTIS
STAR RT
PAYETTE, ID 83661

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 3.20 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE
MEASURED AT THE FIELD HEADGATE.

PRIORITY DATE: 10/21/1918

POINT OF DIVERSION: T17N R03E S03 NESENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	3.20 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T17N R03E S29	NENW 37.0 NWNW 38.0 SWNW 39.0 SENW 27.0
	141.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

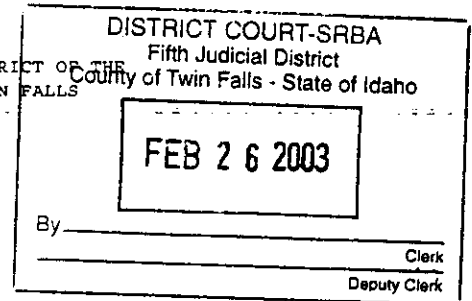
RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-03215

NAME AND ADDRESS: HARRY L BETTIS
STAR RT
PAYETTE, ID 83561

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 2.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-02488 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.96 CFS AT THE FIELD HEADGATE.

PRIORITY DATE: 06/17/1919

POINT OF DIVERSION: T17N R03E S03 SENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	2.00 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T17N R03E S29	NESW 40.0 SWSW 32.0
		NWSW 36.0 SESW 40.0
	148.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

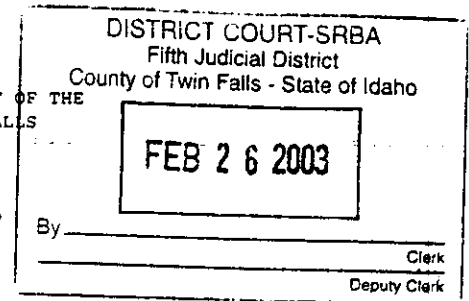
RULE 54(b) CERTIFICATE

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Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 65-03216

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCKER CREEK RD
PAYETTE, ID 83661

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 1.60 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE
MEASURED AT THE FIELD HEADGATE.

PRIORITY DATE: 10/03/1918

POINT OF DIVERSION: T17N R03E S03 NESENE Within Valley County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 05-01 TO 09-15 1.60 CFS

PLACE OF USE: Irrigation Within Valley County
T17N R03E S16 SWSW 40.0
S17 SESE 39.0
79.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

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DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 26 2003

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-02952A

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCHER CREEK RD
PAYETTE, ID 83661

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 783.82 AFY

PRIORITY DATE: 06/02/1962

POINT OF DIVERSION: T17N R03E S03 NESENE (Rediversion) Within Valley County
T18N R03E S13 NWSW (Rediversion)
R04E S09 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	783.82 AFY
	Irrigation from Storage	05-01 TO 09-15	783.82 AFY

PLACE OF USE:	Irrigation from Storage	Within Valley County
	T17N R03E S16	SESW 24.0
		SWSE 39.0
	S20	NENE 36.0
		NWNE 29.0
		SENE 34.0
		NWNW 38.0
		SENE 25.0
		NWSW 39.0
		SESW 15.0
		NWSE 28.0
		SESE 36.0
	S21	NENE 25.0
		NWNE 38.0
		SENE 31.0
		NWNW 36.0
		SENE 37.0
		NWSW 34.0
		SESW 31.0
		NWSE 35.0
		SESE 15.0
	S28	NWNE 10.0
		NWNW 36.0
		SENE 20.0
	S29	NENE 39.0
		NWNE 36.0
		SENE 39.0
		NWSE 30.0
		SESE 14.0
	T18N R03E S21	SESW 35.0
	S28	NWNE 40.0
		NWNW 17.0
		NWSE 26.0
	1774.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576

Water Right 65-02932A

FEB 26 2003

By

Clerk

Deputy Clerk

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCHER CREEK RD
PAYETTE, ID 83661

SOURCE: LAKE FORK CREEK

TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 289.14 AFY

PRIORITY DATE: 06/23/1944

POINT OF DIVERSION: T17N R03E S03 NESENE (Rediversion) Within Valley County
T18N R03E S13 NWSW (Rediversion)
R04E S09 SWNW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	289.14 AFY
	Irrigation from Storage	05-01 TO 09-15	289.14 AFY

PLACE OF USE:	Irrigation from Storage	Within Valley County
T17N R03E S16	NESW 36.0	SESW 24.0
	NWSE 36.0	SWSE 39.0
	SESE 39.0	
S20	NENE 36.0	NWNE 29.0
	SWNE 32.0	SENE 34.0
	NENW 35.0	NWNW 38.0
	SWNW 39.0	SENW 25.0
	NESW 15.0	NWSW 39.0
	SWSW 38.0	SESW 15.0
	NESE 39.0	NWSE 28.0
	SWSE 29.0	SESE 36.0
S21	NENE 25.0	NWNE 38.0
	SWNE 37.0	SENE 31.0
	NENW 34.0	NWNW 36.0
	SWNW 27.0	SENW 37.0
	NESW 38.0	NWSW 34.0
	SWSW 30.0	SESW 31.0
	NESE 15.0	NWSE 35.0
	SWSE 20.0	SESE 15.0
S28	NWNE 10.0	NENW 32.0
	NWNW 36.0	SWNW 39.0
	SENW 20.0	
S29	NENE 39.0	NWNE 36.0
	SWNE 33.0	SENE 39.0
	NESE 39.0	NWSE 30.0
	SWSE 14.0	SESE 14.0

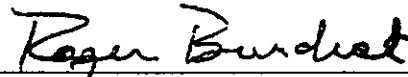
1545.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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